

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-14 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

Allowable Subject Matter

It is gratefully acknowledged that the Examiner considers the subject matter of claims 5-7 and 9-14 to be allowable if rewritten to overcome the objections. By way of the present Amendment, these claims have now been corrected. Accordingly, claims 5-14 are now in condition for allowance.

Drawings

The Examiner objected to the drawings as failing to show all of the reference numerals mentioned in the description. By way of the present Amendment, Applicants are submitting corrected Figures 1 and 7 which indicate these reference numerals.

Objections to the Specification

The Examiner pointed out four corrections which need to be made in the Specification. Applicants have now made these

corrections in the present Amendment. In addition, Applicants have also made a few other editorial changes in other locations in the Specification.

The Examiner also objected to the Specification as failing to provide antecedent basis for the claimed "focus controller". By way of the present Amendment, the claims have been amended to remove the "focus controller" from the claims.

Objections to the Claims

The Examiner objected to claims 2, 3 and 5-14 due to a number of informalities. By way of the present Amendment, Applicants have corrected these informalities as suggested by the Examiner.

Rejection under 35 U.S.C. § 112

Claims 1-4 and 8 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. This rejection is respectfully traversed.

In regard to claims 1-4, the Examiner points out that the Specification does not show how to make and use a focus controller. By way of the present Amendment, Applicants have removed this limitation from claim 1 rendering this rejection moot.

The Examiner also points out that the Specification does not disclose the step in determining the constant as recited in claim

8, line 5. By way of the present Amendment, Applicants have amended claim 8 to remove this step and to instead describe the constant itself as minimizing the influence of the radial shift. Accordingly, this rejection is overcome.

Rejection under 35 U.S.C. § 103

Claims 1, 2 and 4 stand rejected under 35 U.S.C. § 103 as being obvious over Ishibashi (U.S. Patent 5,523,989) in view of Nagahara et al. (U.S. Patent 5,136,567). This rejection is respectfully traversed.

The Examiner states that Ishibashi discloses an optical pickup apparatus including a light source, an optical system, a focus controller, a photo-detecting device, a processing device, a tracking controller, and a tilt controller. The Examiner admits that Ishibashi does not disclose a photo detecting device divided into regions defined by vertical, horizontal and diagonal lines.

The Examiner cites Nagahara et al. to show a photo-detecting device having eight regions defined by vertical, horizontal and diagonal lines. The Examiner feels that it would have been obvious to use the photo-detecting device of Nagahara et al. in the system of Ishibashi.

Without acquiescing to any of the Examiner's allegations made to reject the claims, in order to expedite prosecution only,

Applicants have hereby amended claim 1 to utilize the corresponding language found in allowable claim 5. Since the Examiner has specifically indicated the reason for allowing claim 5, Applicants submit that the use of the same language in apparatus claim 1 likewise makes this claim allowable. In particular, claim 1 recites that the photo-detecting device detects the light amount signal for a region having a large change and a light amount signal of a region having a small change according to the tilt amount. Also, the claims include a tilt controller for compensating the influence of a radial shift by using two push-pull values. In view of this, Applicants submit that claim 1 is allowable since the Examiner has indicated that these limitations make claim 5 allowable.

Claims 2-4 depend from claim 1 and as such are also considered to be allowable. In addition, it is noted that the Examiner has not rejected claim 3 over prior art.

Applicants have also amended independent claims 5, 9 and 12 so that these claims continue to recite the indicated allowable subject matter. Thus, these claims continue to be allowable.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a three (3) month extension of time for filing a reply in connection with the present application, and the required fee of \$980.00 is attached hereto.

Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination thereof. In view of this, reconsideration of the rejections and allowance of all of the claims is respectfully requested.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant respectfully petitions for a three (3) month extension of time for filing a reply in connection with the present application, and the required fee of \$1020 is attached hereto.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse (Reg. No. 27,295) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachments

AMENDMENTS TO THE DRAWINGS

Attached hereto are two (2) sheets of corrected formal drawings that comply with the provisions of 37 C.F.R. § 1.84. The corrected formal drawings incorporate the following drawing changes to add reference numerals to FIG. 1 and FIG. 7

It is respectfully requested that the corrected formal drawings be approved and made a part of the record of the above-identified application.